IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Writ Petition No. 1871 of 2006

Shri Bapusaheb Jinnappa Pachore ..Petitioner

vs.

M/s Rajendra Trading Co.and ors. ..Respondents

Shri T.S.Ingale for petitioner.
Shri R.V.More for respondent no.1.
Smt.V.S.Mhaispurkar, A.G.P. for respondent no.3

CORAM: S.B.MHASE J.
19th April, 2006

P.C.

1. Heard the learned counsel.

2. Perused the order dated 15th February, 2006 passed by the Divisional Joint Registrar, Cooperative Societies, Kolhapur wherein it is mentioned that the applicants, namely, the respondents in the present petition and respondent no.2 namely the petitioner were heard. It further appears from the roznama that the matter was closed for orders on 15th February, 2006 but thereafter certain dates are appearing in the roznama. It finally appears that the grievance was made before the Joint Registrar by the petitioner that the petitioner was not heard and the order was passed without hearing him on delay condonation application. On such grievance being made, the Joint Registrar has stayed the order dated 15th July, 2006 and kept the matter on 4th March, 2006. Thereafter the parties have not appeared before the Joint

Registrar. The petitioner has directly approached to this Court.

3. Prima facie it appears that there is some mess committed by the Joint Registrar. In view of this, both the Advocates have made the following statement.

> "Without prejudice to the rights of the parties involved in the main appeal and delay condonation application, the order dated 15th February, 2006 be set aside and the Divisional Joint Registrar be directed to hear the delay condonation application afresh after giving opportunity to both sides."

In view of the statement made by both the learned Counsel as stated above the order dated 15th February, 2006 is hereby set aside. The Divisional Joint Registrar, Kolhapur is hereby directed to hear and dispose of the delay condonation application filed by the present respondent no.1 after affording the opportunity of hearing to the petitioner and all other concerned. Since the matter is pretty old and is having a chequered history of litigation the Divisional Joint Registrar is hereby directed to dispose of the matter within a period of two months. Petitioner makes a statement that till then statusquo in respect of the property will be maintained. With these concessions the petition is disposed of.

(S.B.MHASE J.)